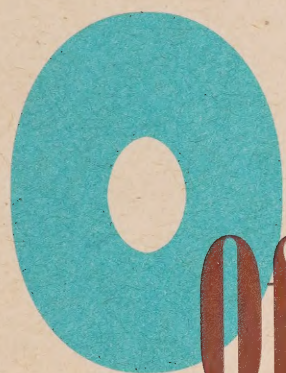


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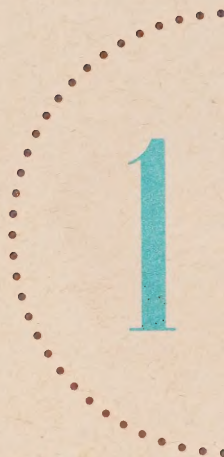
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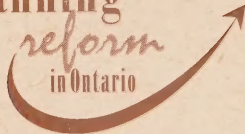


# Official Plans

# and Amendments



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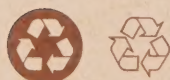
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# Official Plans and Amendments



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# Introduction

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This bulletin is one of a series that are intended to explain Ontario's planning system as revised in 1995. Bulletin 1 is on the process for considering official plans (OPs) and amendments (OPAs).

In 1995 the Ontario government amended the Planning Act R.S.O. 1990, and fundamentally changed the way planning is done in Ontario. These revisions made planning in Ontario more efficient, more accountable, and more protective of the environment. The changes clarified the responsibilities of the different levels of government, and provided the basis for consistent decisions across the Province.

Under the revised system, the role of the Province is increasingly to provide policies, such as those contained in the Comprehensive Set of Policy Statements, while that of the municipality (or planning board) is to make local decisions that are consistent with them. Provincial policies are clear and up front, and all OPs must be consistent with those policies. The system encourages early consultation, completeness of information, and timely decisions.

Another main feature of the revised Planning Act is to empower local governments by giving some upper tiers responsibility for approving both local official plans (and amendments) and subdivisions. Most cities will have authority to approve plans of subdivision. By giving more authority to these municipalities to make local decisions, the Act puts the onus on local accountability and responsibility.

This bulletin highlights the OP and the OPA processes of the revised Planning Act. Those responsible for planning within a local municipal office, or within a county or regional planning office, will gain the most from it. However, anyone who is involved with planning, whether they are in the development industry, or in other levels of government, will understand how local OPs and OPAs in Ontario evolve by reading this bulletin. The bulletin is organized in roughly the same order as the OP and OPA process occurs... from considering its contents through to adoption, decision, and possible referral to the Ontario Municipal Board (OMB). The bulletin contains two appendices, one is a checklist to help users in managing a caseload of OPs and OPAs, the other is a flowchart of the OP process.

This bulletin strives to use plain language and is intended as a guide only. For precise legal references, the user should consult the statutes and the regulations.

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# Who Plans

## A. THE ADOPTING MUNICIPALITY

Most municipalities in Ontario may prepare and adopt an OP or OPA. However, Regions, the Municipality of Metropolitan Toronto, the District Municipality of Muskoka, the County of Oxford, all prescribed counties, most cities and separated towns must prepare OPs. None, however, may approve its own. That is the role of the “approval authority.” Following adoption, the municipality must forward the OP or OPA to their “approval authority” for a decision. The Act also lists those categories of municipalities that must prepare an OP if they do not already have one.

...

## B. THE APPROVAL AUTHORITY

The revised Planning Act contains three categories of approval authority: assigned councils, delegated councils, and the Minister of Municipal Affairs.

### i) *Assigned Approval Authorities*

The revised Act assigns to some upper tier municipalities the responsibility for approving the OPs and the OPAs of the lower tiers.

These are the Regions of

- Durham
- Haldimand-Norfolk
- Halton
- Hamilton-Wentworth

- Niagara
- Ottawa-Carleton
- Waterloo
- York

and the District Municipality of Muskoka. (The Region of Peel will receive this authority upon approval of its OP.)

However, the Act does not assign approval authority to Metropolitan Toronto. Nor does it assign it to the Region of Sudbury or to the County of Oxford, which have single tier planning systems.

The 1995 revisions also grant the Minister the power to remove these assigned approval powers should circumstances warrant. When those circumstances change, the Minister may also reinstate them.

### ii) *Delegated Approval Authorities*

The Minister may delegate to counties the authority to approve the OPs and OPAs of its constituent municipalities. Before delegating, the Minister will consider such factors as whether that county has an OP approved under the revised Act, and whether it has the administrative capacity to carry out this authority.



# Official Plans and Amendments

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## iii) *Delegation to Staff*

The Planning Act allows the council of an approval authority to pass a by-law that would delegate to any member of staff, or to a committee of council, the authority to approve OPAs. This can help speed up decision-making, particularly for routine or minor amendments. The council, however, may wish to retain this responsibility for more important amendments.

## iv) *The Minister as the Approval Authority*

In areas where the Act has not specifically assigned, or the Minister has not delegated, OP approval authority, that authority remains with the Minister of Municipal Affairs. In addition, the Minister remains the approval authority for OPs and OPAs prepared and adopted by the upper tiers. Specifically, they are:

- regional municipalities,
- Metro Toronto and its area municipalities,
- counties, and local municipalities in counties,
- planning boards,
- municipal planning authorities,
- separated cities and municipalities.
- local municipalities in territorial districts, not in the District Municipality of Muskoka.

## What's New

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*All regions (except Sudbury, Metro Toronto and Peel) and the District of Muskoka are assigned power to approve lower tier OP/OPAs.*

.....

# 2

## Preparing the Official Plan

The revised Planning Act gives municipalities and planning boards an opportunity to use their OP more broadly, to guide their future land use, as well as to incorporate social, economic, and natural environmental considerations. Municipalities may also link their OP to other municipal initiatives such as sewer and water servicing plans, community economic development and watershed plans or other intermunicipal undertakings.

...

### A. WHAT THE OP MUST CONTAIN

Under the provisions of the revised Planning Act, the contents of an OP can be prescribed by regulation. However, current best practices suggest that as a minimum, OPs include:

- goals, objectives and policies consistent with the province's policy statement issued under Section 3 of the Act (these are listed below);
- policies which guide decisions on the subdivision of land;
- population, employment, and housing need projections for the planning period (this is intended so that decisions on development are consistent with the anticipated demand. Local municipal plans should not exceed a 15-20 year timeframe);

- policies which guide the timing and sequence of lot creation, including the provision of water, sewage and road services to the lots, for the OP's planning period;
- policies which guide the pattern of land use, as well as the density and mix of those uses;
- maps which show the area covered by the plan, the various land use policy designations, and watershed boundaries; and,
- the OP should also contain policies on how the municipality will monitor the OP's effectiveness.

The plan should also clearly state the planning period, or time horizon, for the OP. Municipalities should also refer to the requirements of prevailing regulations when preparing OPs.

...

### B. PLANNING PRINCIPLES

The Act lists provincial interests under Section 2. These must be considered when a municipality is preparing a plan or amendment and will help the municipality to manage and direct physical change within its boundaries.

These include:

- protecting ecological systems including natural areas, features and functions;
- protecting farmland;

# Official Plans and Amendments

.....

- conserving significant architectural, cultural, or historical features, significant archaeological features, or features of significant scientific interest;
- ensuring the supply, efficient use and conservation of energy and water;
- ensuring that services such as transportation, water, sewage, communication and waste management systems are adequate and used efficiently;
- minimizing waste;
- ensuring that healthy and safe communities develop in an orderly manner;
- ensuring that growth and development occurs in the most appropriate locations;
- providing a full range of housing;
- providing adequate job opportunities;
- safeguarding the financial and economic well-being of the province and its municipalities;
- coordinating the planning activities of public bodies, and resolving planning conflicts between public and private interests;
- the adequate provision and distribution of educational, social, health, cultural and recreational facilities;
- conservation and management of natural resources and the mineral resource base;
- the protection of public health and safety.

## C. PROVINCIAL POLICY STATEMENTS

Section 3 of the Planning Act allows for the issuance of policy statements on matters relating to municipal planning that are of provincial interest. While the relative impact of matters of provincial interest may vary from one local municipality to the next, they represent matters which may cross local boundaries and which have an over-riding importance to a larger area and/or the province as a whole.

These current policy statements are published as the Comprehensive Set of Policy Statements.

The Act requires that OPs (as with all decisions under the Act), as well as the comments, submissions or advice of provincial government agencies on planning matters, must “be consistent with” these policy statements. OP policies need not be rigidly identical to the comprehensive policies, but rather, can be flexible and innovative in addressing local circumstances while still being consistent with the policy statements. Local municipalities may in fact adopt OP policies that are more restrictive where they feel circumstances warrant, such as extending protection to lower quality farmlands, or to environmental features that are locally significant.

Municipalities must review their OPs at least every five years to ensure that the policies in them are consistent with the policy statements in effect at that time. The Province itself must also review



# Official Plans and Amendments

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its policies every five years to make sure that they address current planning concerns. Where the Province issues new policy statements, municipalities should consider updating their OPs as soon thereafter as is reasonable, even if five years have not passed since the municipality undertook its previous review.

## What's New

---

- *Comprehensive Set of Policy Statements;*
- *OP\OPA's must "be consistent with" provincial policy statements;*
- *When a municipality conducts the five-year review of its OP, it must also determine if the OP needs to be amended to make it consistent with the policy statements;*
- *Province must review its policies every five years.*

.....

# 3 Consultation

One of the most important parts of planning is the involvement of the public, be they individuals, interest groups or public bodies. Because the 1995 revisions establish time-lines for deliberation, the adopting council should consult the public and the various affected agencies as early as possible in the process.

## Best Practice

*Preconsultation with public agencies and approval authorities before council decision.*

.....

### A. CONSULTING THE PUBLIC: THE PUBLIC MEETING

The Act requires that the adopting council hold at least one public meeting. At the meeting, the municipality must advise the public that the meeting is their opportunity to voice any objections or concerns they may have. If they do not, the OMB or approval authority may refuse to consider their objections. In this way the revised Act encourages early participation in the process, reducing last minute objections.

The regulation lists the persons and agencies which must receive notice of a public meeting, how the notice must be provided, and what the notice must contain.

Municipal staff must ensure that adequate information including the proposed OP or OPA is

available at the public meeting. During the meeting staff should advise those attending that if they do not express their concerns either at the meeting or in writing before council adopts the OP or OPA, either the approval authority or the OMB may refuse or dismiss their referral or dismiss their appeal. Staff should also alert them that adoption could occur, at the earliest, 14 days after the public meeting. Staff should record the names and addresses of those who make oral submissions so that these can be forwarded to the approval authority. While the Act requires that the municipality must hold at least one public meeting, it may hold others where it believes issues need further discussion.

...

### B. ALTERNATIVE NOTICE

A municipality may have alternative procedures set out in the official plan for informing the public of, and obtaining their views on, OPAs. The municipality should ensure that the alternative procedures are in fact adequate, and may allow notice to be more extensive or less so, depending upon the case, and may also allow renotification. Such procedures must, however, cover the minimum information requirements of the Planning Act. Again, a minimum of 14 days must separate the adoption and the completion of the alternative notice measures.

...

# Official Plans and Amendments

## C. CONSULTING GOVERNMENT AGENCIES

It is equally important that the municipality consult all government agencies or public bodies that it believes have an interest in the OP or OPA. By consulting early in the process the municipality can identify and try to resolve the concerns and comments that agencies may raise. It is recommended that the municipality consult with the approval authority, who can help identify the agencies which should be consulted.

### Best Practice

*Consult with approval authority on public notice list of agencies.*

.....

The list of review agencies may include municipal agencies such as school boards, roads and parks departments, or utility commissions, as well as a neighbouring municipality, a county or other upper tier. For OPs and comprehensive OPAs, consultation would include all provincial government ministries or agencies whose mandates are involved, such as the Ministry of Municipal Affairs, the Ministry of the Environment, the Ministry of Natural Resources, the Ministry of Agriculture Food and Rural Affairs, the Ministry of Transportation, the

Ministry of Culture, Tourism and Recreation, the Ministry of Housing, and the conservation authority, if there is one. Federal agencies such as the Department of Fisheries and Oceans would be consulted if a navigable waterway is involved, and Parks Canada if a national park or the Rideau Trent Severn Waterway are involved. Staff should also consult neighbouring municipalities, and First Nations bands if there is a native reserve.

Site specific OPAs, on the other hand, may involve a much shorter list. As a best practice, to help speed deliberation on these documents, council should obtain a list of “screening” criteria from agencies. This will enable council to determine whether the document meets a particular agency’s standards and concerns, and if that agency needs to be consulted further at all.

The revisions to the Planning Act prescribe the information that council must provide an approval authority. However, council can help in the approval of the OP or OPA by providing this information in a form and format that is easy to review. For example, summarize agency concerns and comments and provide information indicating how these comments were addressed and/or how the comments are addressed in the OP or OPA. The objective should be to provide the approval authority with the required information in a form and format that assists in a quick and timely approval.



.....

The regulation also identifies which agencies must receive notice of the mandatory public meeting unless notified otherwise.

## Best Practice

---

*Help speed approval authority review by summarizing results of earlier agency and public consultation.*

.....

## What's New

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- *certain agencies as specified in regulation must receive notice of the public meeting on an OP/OPA.*

.....

# 4

## Adoption

Some may confuse “adoption” with “approval.” Most municipal councils (or planning board) in Ontario may “adopt” an OP or OPA. The document, however, cannot come into effect until the decision of the approval authority for that municipality or board takes effect. Upper tier approval authorities may also adopt OPs or OPAs of their own, but may not approve them. The Minister of Municipal Affairs remains their approval authority.

...

### A. NOTICE OF ADOPTION

At least 14 days must pass between the public meeting and adoption. This period is to allow the adopting municipality time to resolve issues that might have come up at the public meeting, and can be longer if needed. Following adoption, council must notify, within 15 days, the approval authority, everyone who asked in writing for notice, made written submissions or comments, and is otherwise prescribed, of their decision. The notice of adoption must contain all the information required by the regulation.

Within the same 15 days, council must also forward to the approval authority the OP or OPA and the record for their decision. (The contents of the record are also prescribed in the regulation.)

#### i) *Privately Initiated Amendments*

From time to time a person or a public body will approach a municipal council and ask it to amend the OP. When such amendments originate from outside council, the Act gives that municipality 120 days after it receives the request to hold a public meeting on the OPA application. The meeting may be held no earlier than 30 days after the public is notified. The notification process is, otherwise, the same as that for locally adopted OPs and OPAs. If council, however, fails to give notice of the public meeting within 90 days of receipt of the application, the proponent of the OPA may request it be forwarded to the approval authority for approval.

If council holds the meeting, but fails or refuses to adopt such an amendment within 180 days of receiving it, here too the proponent may ask that the document be sent to the approval authority for approval. In both cases council must forward to the approval authority all the information prescribed in the regulation, and any other information required by the approval authority, within 15 days of receiving the request. Once the amendment is at the approval authority, the authority will follow the same procedures as for OPs and OPAs that have been adopted by council.

# Official Plans and Amendments

Because such requests come from external agencies or private sources, council should have in place a by-law which spells out exactly what the proponent of the amendment should submit. Having such a by-law allows the municipality to refuse to consider the application until the proponents have submitted the information and material that has been prescribed by regulation including a fee. When the proponent has submitted the information and material prescribed, the application is considered complete and the municipality will be subject to the 90, 120, and 180 day timeframes set out above.

- all other information prescribed in the regulation;
- other information which the approval authority may require;
- minutes of the public meeting; and
- the required fee.

Any additional information on related applications such as zoning, consents or plans of subdivision, must also accompany the information that the adopting council forwards to the approval authority.

...

## Best Practice

*Municipal by-law requiring applicant to submit prescribed information.*

.....

### B. WHAT TO SEND

The municipality must forward to the approval authority a complete package of information containing:

- the text of the OP or OPA, and their schedules;
- planning reports;

### C. APPLICATION INFORMATION REQUIREMENTS

A complete submission from the adopting municipality to the approval authority should include two sets of application information. First there is the prescribed information which is set out in the regulations, and which must be provided in order for the approval authority to consider the application complete and ready for processing. An approval authority may refuse to accept or to further consider an application if it does not contain all the information prescribed in the regulation. The 150-day time-line does not start without this information.



.....

In addition to this, the approval authority may have specific “required” information of its own. Local municipalities should consider such requirements of the approval authority when drafting their information by-law.

A complete information package will help speed the approval authority’s deliberations. By submitting all pertinent information up front, valuable time, that might otherwise be spent later on filling in information gaps, will be saved.

**What’s New**

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- *14 days must pass after the public meeting before council can adopt an OP\OPA.*
- *15 days after adoption to forward OP\OPA and record to approval authority.*
- *90 days to provide notice of public meeting after submission of a private opa request.*
- *120 days to hold public meeting, after submission of a private opa request.*
- *180 days from submission of a private opa request for council to make a decision.*

.....

# 5 Deliberation

When the approval authority receives the adopted document and a complete package of information from the adopting council, (or, in the case of a private amendment, from the proponent) it begins its deliberation.

## A. KEEPING TRACK

The 1995 Planning Act revisions include a provision wherein any person or public body may appeal to the OMB for a decision on any portion of the OP or OPA for which the approval authority had not given notice of a proposed decision within 150 days. To process and assess the applications, the approval authority therefore should have in place a set of procedures designed to ensure that decisions can be made within this 150 day timeframe. The first would be to assess the completeness of the application very soon after it arrives. In order to “start the clock” on the 150-day time-line, the application must contain the information prescribed in the regulation and any required fee. In this case the clock is considered to start on the day the “complete” submission is received, not at a later date when staff might have reviewed it and have determined it is complete. Therefore approval authorities should have procedures in place to enable this initial review of an application within a few days after submission. If the submission is “complete,” the approval authority should have a further procedure to advise the adopting council, and/or proponent, that their application is accepted as

“complete,” and that the 150-day period commenced on the date it was received and the projected date for a proposed decision.

If a submission lacks any of the prescribed information or the fee, the time-clock does not start until that information and the fee arrive. The approval authority should have a filing or tracking procedure to keep a record of incomplete submissions as well.

Sometimes the approval authority will be unable to resolve issues or differences within the 150 days. Yet, if the authority believes it might be able to make a decision within a reasonable time, it should advise the local municipality, proponent of the application and any other interested participant, and work to avoid an appeal to the OMB which might further protract the process.

...

## B. CONFERRING

Throughout its deliberations the approval authority should remain cognizant of the 150-day time-line. To help it make timely decisions, the approval authority should inaugurate clear procedures for circulation and consultation. Where the submission is complete, and affected government agencies and interest groups have been involved beforehand, the approval authority should have a process for streamlining its circulation, and an earlier deadline for its proposed decision.

## Official Plans and Amendments

.....

During its deliberation the approval authority may confer with any person or public body that it feels has an interest in the OP or OPA. While most of the consultation should have occurred prior to adoption, and most of the issues resolved, the authority may determine that further consultation should occur at this stage.

...

### C. DECIDING

The approval authority may approve, refuse, or modify all or part of the OP or OPA. Once the approval authority has decided on the document, it must notify the adopting council or planning board, each municipality to which the OP or OPA applies, those who provided written comments, all who asked in writing to be notified, and all others required by the regulation, of their proposed decision. This notification must include the proposed decision, the right to request the proposed decision be referred to the OMB, the fact that if the authority receives no referral requests within the 30 days, their decision becomes final, and all other information prescribed by the regulation.

...

### D. REFERRING A DECISION

#### i) *Forwarding Referrals*

Any person or public body who does not agree with the proposed decision may, within 30 days after the approval authority has given notice of a proposed decision, request that the approval authority refer the decision to the OMB. If the authority receives such a referral request, it has 30 days in which to consider it. If the authority fails to refer the proposed decision or refuse a referral request within that 30 days, the referral request goes to the OMB automatically. Unless the authority refuses the request, it must forward the record (as prescribed in the regulation) to the OMB within 45 days of the last date for submitting a referral request.

#### ii) *Refusing Referrals*

The authority may refuse a referral request if:

- there are no pertinent planning grounds included;
- it is clear that the request is not in good faith, frivolous, vexatious or is a delaying tactic;
- that part of the plan being referred is premature because it cannot be serviced with the necessary public roads, water, and sewers within a reasonable time;

# Official Plans and Amendments

- the referrer had failed to indicate their concerns, either at the public meeting or in writing prior to adoption, (and in the opinion of the approval authority gave no reasonable explanation for not having done so); or
- the request did not include written reasons.

Note that even public bodies are subject to the same rules and should have participated prior to plan adoption if they wish to request a referral.

If the authority is refusing a referral, it must so advise the referrer within 30 days of the end of the referral period. Otherwise the referral request automatically goes to the OMB.

...

## E. APPEALING IF NO DECISION

If the approval authority fails to give notice of a proposed decision on the OP or OPA, or any part of it, within 150 days of receiving it, any person or public body may appeal the undecided portions to the OMB. Unlike a referral request, the authority cannot refuse an appeal. It must automatically forward the notice of appeal, the document, and comments to date, to the OMB and other information prescribed by regulation, and must do so within 15 days of receiving the appeal request.

...

## F. AT THE OMB

The Act allows the OMB to hold a hearing and make any decision that the approval authority itself may make. It also allows the OMB to dismiss any referral or appeal for the same reasons that the approval authority may use to refuse a referral. In addition, the OMB may dismiss referrals or appeals where the appellant or objector failed to respond to a request for additional information that the OMB may have made, or they omitted the fee payable to the OMB.

If the OMB dismisses an appeal, (and there is no other appeal on the same matter) it must notify the approval authority which may then continue its deliberations. If that happens, or if the appellant withdraws the appeal, the 150-day period does not begin anew.

If the appellant withdraws their appeal from the OMB, the Board will so advise the approval authority so that it may continue its deliberation. If a objector withdraws a request that referred a proposed decision to the OMB, and the period for submitting such requests has expired, then the proposed decision, or the referred portion of it, becomes final.

...



# Official Plans and Amendments

## G. THE FINAL DECISION

The decision on an OP or OPA becomes final if no one requests the proposed decision be referred within the 30 days. If there is such a request, the decision is final when either the OMB has issued its decision, or the request is withdrawn. No one may appeal the OMB decision to cabinet. This includes the approval authority. Nor may the government declare a matter before the Board to be of provincial interest such that cabinet must make a final decision. (The province may otherwise still argue that a matter is of provincial interest.)

## What's New

- *prescribed information requirements for consideration of an OP/OPA by an approval authority;*
- *150 days for approval authority to make its proposed decision;*
- *after 150 days has elapsed, and no proposed decision is made, a direct appeal may be made to the OMB;*
- *approval authorities must notify adopting council, each municipality to which OP/OPA applies and all others requesting notice, of the proposed decision;*
- *requests to refer all or part of an OP/OPA to the OMB must be received within 30 days after the approval authority has given notice of the proposed decision;*
- *a referral request may be refused by an approval authority if there are no planning grounds, it is frivolous, vexatious or for the purposes of delay; if it is premature because roads, water and sewer services will not be available or if the person requesting referral did not indicate their concerns prior to Council adoption;*
- *the decision by an approval authority on an OP/OPA becomes final if no requests for referral are received within 30 days.*



# Appendix

## CHECKLIST FOR APPROVAL AUTHORITIES

### **Section 17** OFFICIAL PLANS AND AMENDMENTS

#### **Using this Checklist**

This checklist is intended to help Approval Authorities track an application and establish critical dates.

The left hand side identifies specific actions related to the consideration of an Official Plan Amendment and provides reminders regarding the time frames for decisions, appeals and forwarding of records. Reference is also made to the relevant subsection of the Planning Act and O.Reg. 42/95 made under the Act.

The right side provides room for the administrator/planner to fill in the relevant dates and manage the progress of the file.

This checklist is intended as a guide only. For existing law, reference should be made to the official volumes of the Statutes of Ontario.

.....

## A. APPLICATION

### *Subsections 17(18) - (19)*

Activity	Date
Application received.	1
Has all the information prescribed in section 3 of O.Reg. 42/95 been submitted? [subsection 17(18)]	2
If YES: Date that an acknowledgement advising of the receipt of the application was sent. Go to Line 4.	3
<b>Note:</b> If the approval authority fails to make a decision within 150 days, any person or public body may appeal to the Ontario Municipal Board. See section H. of this checklist, entitled "Appeal of a Non-Decision by the Approval Authority".	
Calculate the 151st day (appeal period for a non-decision by an approval authority) from the date the application is received (Line 1 + 151 days) [subsection 17 (33)]. Go to Line 8.	4
If NO: Date that municipality or planning board was notified that an incomplete submission was made.	5
<b>Note:</b> Approval authority may refuse to accept or to further consider an incomplete application [subsection 17(19)].	
Bring forward date if application not returned.	6
Follow-up on incomplete submission.	7

.....

## **B. CONFERRING**

### *Subsections 17(20)*

<b>Activity</b>	<b>Date</b>
Circulation to persons or public bodies [subsection 17(20)].	8
Follow-up on circulation.	

## **C. NOTICE OF A PROPOSED DECISION BY THE APPROVAL AUTHORITY**

### *Subsections 17(22)*

<b>Activity</b>	<b>Date</b>
Date that a staff recommendation was made to council or planning board.	10
Date of the proposed decision.	11
Notice of a proposed decision by the approval authority must be given [subsection 17 (22)]. Notice requirements are set out in subsection 17(22) and (23) of the Act and in section 4 of O.Reg. 42/95.	
Date that the notice of the proposed decision was completed [subsection 17(25)].	12



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#### **D. DECISION FINAL**

*Subsections 17(26)*

<b>Activity</b>	<b>Date</b>
Calculate 31 days from the date that notice of proposed decision was completed (Line 12 + 31 days).  Date that the proposed decision is FINAL and comes into force, if a referral request is not received [subsection 17(26)]	13
Date that the municipality or planning board was advised that the decision of the approval authority is FINAL and comes into force.	14

## **E. REQUEST TO REFER A PROPOSED DECISION**

*Subsections 17(24)-(32) and 17(35)*

<b>Activity</b>	<b>Date</b>
Date that request(s) to refer the proposed decision was (were) received.	15
<b>Note:</b> Approval authorities have a maximum of 30 days from the last day for submitting a request to refer the proposed decision to the Ontario Municipal Board [subsection 17(28)] or to refuse the referral request [subsection 17(29)].	
Date by which proposed decision must be referred to the Ontario Municipal Board unless the referral request is refused (Line 13 + 30 days) [subsection 17(28)].	16
Date that the proposed decision or part of the proposed decision was referred to the Ontario Municipal Board or that the referral request was refused.	17
If the approval authority fails to refer a request to the Ontario Municipal Board within the 30 days after the last day to refer a proposed decision the matter is deemed to be referred to the Ontario Municipal Board [subsection 17(32)].	
Date that the matter was deemed to be referred to the Ontario Municipal Board (Line 13 + 31 days).	18
<b>Note:</b> Approval authorities have a maximum of 45 days from the last day for submitting a referral request to forward the referral request, fee and record to the Ontario Municipal Board. Contents of the record are set out in section 5 of O.Reg. 42/95.	
Date by which approval authority must forward referral request, fee and record to the Ontario Municipal Board (Line 13 + 45 days) [subsection 17(34)].	19
Date that the record, under subsection 17(34), was forwarded to the Ontario Municipal Board.	20

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## **F. APPROVAL AUTHORITY REFUSAL TO REFER**

### *Subsections 17(28),(29)*

The date that a recommendation by approval authority staff was made to the approval authority to refuse to refer.	21
Date of the decision by approval authority on the refusal to refer.	22
Date that the written explanation for the refusal to refer was provided.	23

## **G. WITHDRAWAL OF A REFERRAL REQUEST**

Date that a withdrawal of a referral request was received [subsection 17(31)].	24
Date that the proposed decision is FINAL.  See subsection 17(31):  “If all the requests for referral made in respect of all or part of the proposed decision are refused or withdrawn and the time for submitting requests has expired, the proposed decision or that part of it is final and any plan or part of the plan that was proposed to be approved and in respect of which all the requests for referral have been refused or withdrawn comes into force on the day after the day the last outstanding request for referral has been refused or withdrawn.”	25

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## H. APPEAL OF A NON-DECISION BY THE APPROVAL AUTHORITY

### *Subsections 17(33) and 17(35)*

Activity	Date
Date that notice of appeal for a failure of the approval authority to give notice of a proposed decision is received [subsection 17(33)].	26
<b>Note:</b> Approval authorities have a maximum of 15 days after receiving a notice of appeal to forward the notice of appeal, the fee and the record to the Ontario Municipal Board [subsection 17(34)]. Contents of the record are set out in subsection 5(2) of O.Reg. 42/95.	
Calculate 15 days from the date that the notice of appeal was received to determine the latest date for approval authority to forward the notice of appeal, the fee and the record to the OMB (Line 26 + 15 days) [subsection 17(34)].	27
Date that the notice of appeal, the fee and the record were forwarded to the Ontario Municipal Board.	28



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## CHECKLIST FOR LOCAL MUNICIPALITIES

### **Section 22**

### OFFICIAL PLANS AND AMENDMENTS

#### **Using this Checklist**

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This checklist is intended to help local municipalities track privately-initiated\* official plan amendment applications and establish critical dates.

The left hand side identifies specific actions related to the consideration of an Official Plan Amendment and provides reminders regarding the time frames for decisions, appeals and forwarding of records. Reference is also made to the relevant subsection of the Planning Act and O.Reg. 42/95 made under the Act.

The right side provides room for the administrator/planner to fill in the relevant dates and manage the progress of the file.

\* This checklist can be used for municipality-initiated official plans and official plan amendments by starting at the sections related to the giving of notice for the statutory public meeting [subsection 17 (9)].

This checklist is intended as a guide only. For existing law, reference should be made to the official volumes of the Statutes of Ontario.

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## A. RECEIVING THE APPLICATION

### *Subsections 22(3) and (4)*

Activity	Date
Application received.	1
Has council or the planning board passed a bylaw requiring that prescribed information be submitted? [subsection 22 (3)] For prescribed information, see section 6 of O.Reg. 42/95.  If YES, go to line 3.  If NO, go to line 4.	2
Has all the prescribed information and fee been submitted? [subsection 22(4)]	3
If YES, applicant or agent should be notified that the application has been received. Go to line 4.  If NO, applicant or agent should be notified that the application is incomplete and will not be considered.  NOTE: A local municipality may refuse to accept or to further consider an incomplete application [subsection 22(4)], if the municipality passed a bylaw pursuant to subsection 22(3).	
Activity	Date
Date applicant or agent notified.  If council or planning board is proceeding with the application, continue to Line 5.	4

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Calculate the 90th day from the date the application is received (Line 1 + 90 days) [subsection 22 (5), (6) and (7)]. Notice of the public meeting must be given by this date.	5
Calculate the 120th day from the date the application is received (Line 1 + 120 days) [subsection 22 (1) and (2)]. The public meeting must be held by this date.	6
Calculate the 180th day from the date the application is received (Line 1 + 180 days) [subsection 22 (8), (9) and (10)]. The council or planning board should have made a decision by this date.	7

<b>B. NOTICE OF PUBLIC MEETING</b> <i>Subsections 17(9)</i>	
Activity	Date
<p>Notice of public meeting must be given on or before the date shown on Line 5 [subsection 17(9) and (10)]. For notice requirements, please see section 1 of O.Reg. 42/95, or, if applicable, alternate measures set out in your official plan.</p> <p>Date that notice of the public meeting was given.</p>	8

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## C. CONFERRING

### *Subsection 17(14)*

**Note:** Subsection 17(14) requires council or planning board to provide any person or public body that council or planning board considers may have an interest in the plan an opportunity to comment on the plan. This may include or be in addition to the public bodies notified in accordance with section 1 of O.Reg. 42/95.

Activity	Date
Circulation to persons or public bodies [subsection 17(14)].	9
Follow up on circulation.	10

## D. THE PUBLIC MEETING

Activity	Date
Public meeting shall not be held sooner than 30 days after notice of the public meeting is given [subsection 17(10)]. (The 30-day time period does not apply when the alternate notice procedures contained in the official plan are complied with.) Earliest date the public meeting could be held (Line 8 + 30 days).	11
Date that the public meeting was held.	12



The following information is to be made available at the public meeting [subsection 17 (12)]:

- Copy of the current proposed plan to be made available [17 (9)];
- Power of the approval authority to refuse to refer a proposed decision under subsection 17(29);
- Power of the Ontario Municipal Board to dismiss an appeal or a referral request under subsection 17(37) if a person or public body has not provided council with oral submissions at the public meeting or provided written submissions or comments prior to adoption.

**NOTE:** If notice of a public meeting is not given within 90 days after the application was received, or if the public meeting is not held within 120 days after the application was received, or if a decision is not made within 180 days after the application was received, or if the amendment is refused, the applicant may request that the application be forwarded directly to the approval authority. If such a request is received, please turn to the section entitled “Request to forward application to the Approval Authority.”

## E. ADOPTION OF THE AMENDMENT

### *Subsections 17(15)-(18)*

Activity	Date
NOTE: A minimum 14 days must lapse between the public meeting or completion of alternate measures and the adoption of the OPA.  Earliest date the OPA can be adopted (Line 12 + 15 days) [subsection 17(16)].	13
Date Official Plan Amendment adopted [subsection 17 (15)].	14

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## **F. NOTICE OF ADOPTION OF THE AMENDMENT**

### *Subsections 17(15)-(18)*

<b>Activity</b>	<b>Date</b>
NOTE: Within 15 days of the adoption of the amendment, the council or planning board must give notice of the adoption. Notice requirements are set out in subsection 17(17) of the Act and section 2 of O.Reg. 42/95.  Date by which notice of the Official Plan Amendment must be given (Line 14 + 15 days) [subsection 17(17)].	15
Date that notice of adoption of the amendment was given.	16

## **G. SENDING RECORD TO THE APPROVAL AUTHORITY**

### *Subsections 17(15)-(18)*

<b>Activity</b>	<b>Date</b>
Documentation must be sent to the approval authority within 15 days of the adoption of the official plan amendment [subsection 17(18)]. Contents of the record to be forwarded to the approval authority are set out in section 3 of O.Reg. 42/95.  Date by which record must be sent to the approval authority (Line 14 + 15 days).	17
Date record was sent to the approval authority.	18

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## H. REQUEST TO FORWARD APPLICATION TO THE APPROVAL AUTHORITY

### *Subsections 22(5),(6),(7),(8),(9) and (10)*

An applicant may request that the application be forwarded to the approval authority:

- at any time after the application has been refused;
- if notice of a public meeting was not given within 90 days of the receipt of the application [subsections 22 (5),(6) and (7)];
- if a public meeting was not held within 120 days of receipt of the application [subsection 22 (1) and (2);

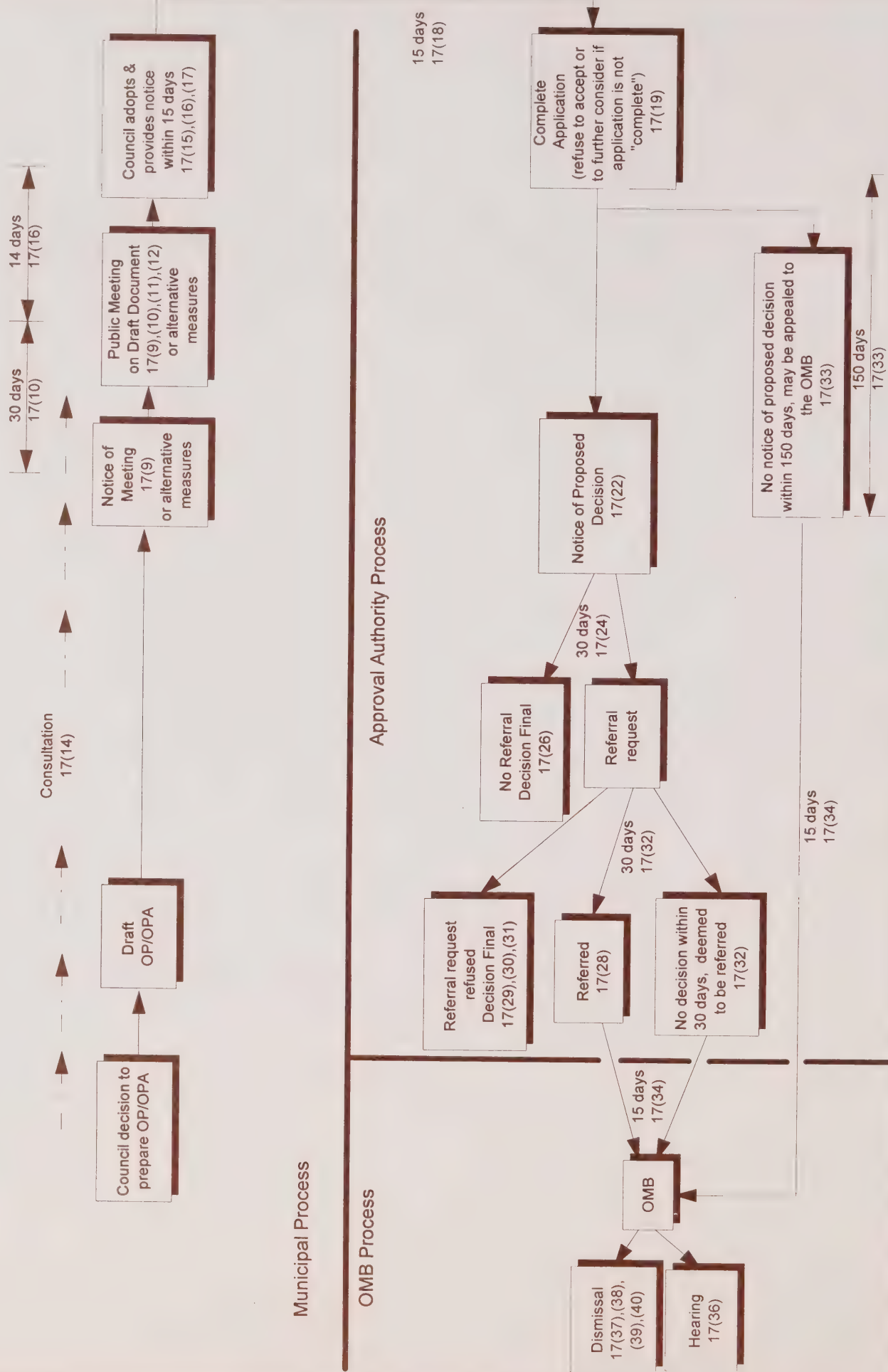
or

- if council/planning board failed to decide on the proposed amendment within 180 days of receipt of the application [subsections 22 (8),(9) and (10)].

Activity	Date
Date that the request was received.	19
NOTE: A local municipality is permitted a maximum of 15 days to forward the record and application to amend a local official plan to the approval authority. Contents of the record to be forwarded to the approval authority are set out in section 7 of O.Reg. 42/95.	
Date by which the record must be forwarded to the approval authority (Line 19 + 15 days).	20
Date that the complete record was sent to the approval authority.	21

# B. FLOWCHART

## Official Plan/Official Plan Amendment (Initiated by Council - ss. 17)





# B. FLOWCHART

## Official Plan Amendment (Initiated by Proponent - ss. 17 & 22)

